

MINUTES

UTAH PHYSICAL THERAPY LICENSING BOARD MEETING

December 5, 2011

Room 475– Fourth Floor, 2:00 P.M.
Heber M. Wells Building
Salt Lake City, UT 84111

CONVENED: 2:05 P.M.

ADJOURNED: 4:56 P.M.

Bureau Manager:
Board Secretary:

Richard J. Oborn
Lee Avery

Board Members Present:

J. Trent Casper, Chairperson
Kim Cohee
Misha Bradford

Board Members Absent:

Lindsi Gordon
Edmund L. Sperry

DOPL Staff Present:

Connie Call, Compliance Specialist

Guests:

Steve Crandall

TOPICS FOR DISCUSSION:

DECISIONS AND RECOMMENDATIONS:

ADMINISTRATIVE BUSINESS:

MINUTES

Connie Call, Compliance Specialist

The Board reviewed the minutes from the August 16, 2011 Board meeting. Ms. Cohee motioned to approve the minutes, seconded by Ms. Bradford. The motion carried unanimously.

#1. James Nackos is in compliance with his stipulation. Mr. Nackos' drug screens are all negative and he has not missed any check-ins or tests. His employer and supervisor reports were received and are positive. He did not receive any new prescriptions for the past quarter.

#2. Peggy Gurnett is not in compliance with her stipulation. She had 3 positive drug screens since August 1, 2011 and she missed her check-in five times

in September and once in November. The Division received a self-assessment report that was not required and a supervisor report from Mr. Strand with a note stating that she no longer worked for his facility due to the business being slow. The Division received her 12 step attendance for October 2011 and November 2011 and received an employer/supervisor report for November 2011. She did not receive new prescriptions for the past quarter.

Discussion:

At 2:24 P.M., Ms. Cohee motioned to close the Board meeting to discuss the character, professional competence, or physical or mental health of an individual, seconded by Ms. Bradford. The motion carried unanimously. The Board meeting opened at 2:46 P.M.

APPOINTMENTS:

James Nackos, probation interview

Mr. Nackos met with the Board for his probation interview. Ms. Cohee conducted the interview. The Board noted that Mr. Nackos' supervisor reports were received and are positive. His UAs have been negative. Mr. Nackos advised the Board that things are going well. He attends PIR support meetings and is on step 4 of the 12 step program. Mr. Nackos advised the Board that his support system is his family and friends and they have been very helpful. Mr. Nackos stated he is not taking any medications. Mr. Nackos stated he is still not sure if he wants to go back to clinical practice. He enjoys teaching. The Board noted that Mr. Nackos has been on probation for almost a year. His probation is indefinite and he would need to request the Board to release the restrictions. He would need a letter from his employers. The Board would want to see him working in a clinical setting before considering a request to release him from probation. Mr. Oborn advised Mr. Nackos that the Board would set a term of his probation once he begins to work in the clinical setting. Ms. Bradford motioned to see Mr. Nackos every 6 months, seconded by Ms. Cohee. The motion carried unanimously. The Board asked to see Mr. Nackos on May 22, 2012.

Mr. Nackos is in compliance with his stipulation.

Peggy Gurnett probation interview

Ms. Gurnett met with the Board for her probation interview. Mr. Steve Crandall, her supervisor, met with the Board as well. Ms. Bradford conducted the

interview. Mr. Crandall advised the Board that he attended PT school with Ms. Gurnett. He hired her to work in his clinic where she covered for him for a couple of weeks. She works PRN as needed. Ms. Gurnett is always supervised in the three clinics she covers. Mr. Crandall noted that Ms. Gurnett has good clinical skills and received many compliments from her patients. Mr. Crandall stated he has not observed any problems with Ms. Gurnett. She is on time for her shift and shows good clinical judgment. She has worked for him for about four weeks.

The Board advised Ms. Gurnett that she missed calling the drug screen five times since September and that she tested positive for alcohol on September 23, 2011. Ms. Gurnett advised the Board she believes the vitamins she was taking has alcohol in them and that they may have caused her to test positive for alcohol. Since she made this discovery, 3 of the last 4 tests have been negative. Ms. Gurnett clarified that she went on a river trip and missed calling the drug screen line; however, she felt she was excused during this trip.

The Board noted that she is current with all supervisor reports. Ms. Gurnett advised the Board that Ms. Amy Trujillo at One to One Physical Therapy would like to hire her to work part-time. She would start out working three days a week. Ms. Gurnett has provided Ms. Trujillo with a copy of Ms. Gurnett's stipulation. Ms. Gurnett will submit a copy of Ms. Trujillo's resume by Tuesday, December 13, 2011. At 3:22 P.M. Ms. Bradford motioned to close the Board meeting to discuss the character, professional competence, or physical or mental health of an individual, seconded by Ms. Cohee. The motion carried unanimously. The Board meeting opened at P.M. 3:50 P.M. Ms. Casper motioned to increase the frequency of UA testing and to have Dr. Walton review the vitamin issue. If Dr. Walton determines that the vitamins are not the cause of the ETG in her UA's, then the Board recommends that Ms. Gurnett be required to obtain a current substance abuse evaluation, seconded by Ms. Bradford. The motion carried unanimously. The Board advised Ms. Gurnett that if her drug screens continue to show ETG, then

the Board will consider recommending suspension of her PT license, seconded by Ms. Cohee. The motion carried unanimously. The Board recommended preliminary approval for Ms. Gurnett to work at One to One Physical Therapy, pending receipt of her supervisor's resume. The Board asked to see Ms. Gurnett on February 28, 2012. **Ms. Gurnett is not in compliance with her stipulation.**

DISCUSSION ITEMS:

1. Response to request for clarification of CE requirement

Mr. Oborn reviewed an e-mail requesting clarification regarding continuing education R156-24b-303b (2)(a) Each contact hour of continuing education course credit shall consist of not fewer than 50 minutes of education. Licensees shall only receive credit for lecturing or instructing the same course up to two time. Licensees shall receive one contact hour of continuing education for every two hours of time spent: (i) lecturing a course. Ms. Bradford motioned to change the language to be consistent with Idaho's language, seconded by Mr. Casper. The motion carried unanimously. Mr. Oborn stated he will make preparations to formally propose that rule change.

2. Upcoming expiration of all temporary PTA licenses

Mr. Oborn advised the Board that the Division sent letters to the all holders of a temporary PTA license. The letter reminded them that they need to submit their application for a regular PTA license as soon as possible in order to take and pass the PTA exam and to obtain a full PTA license before July 2012. The next testing dates are January 3, 2012 and March 29, 2012. If they do not hold their full license by July 2012, they will need to stop working until they pass the national exam. Mr. Oborn noted that there has been an increase in the number of PTA license applications received by the Division. Mr. Oborn noted that to date, there are 193 holders of Temporary PTA licenses that have not yet taken the test.

3. Amendments to administrative rule

Mr. Oborn reviewed R156-24b-305, Temporary Licensure with the Board. Mr. Oborn noted that under the proposed rule change, the Division could issue a temporary PT or temporary PTA license but only if certain conditions are met. Mr. Oborn proposed the following rule change:

R156-24b-305. Temporary Licensure.

(1) In accordance with Subsection 58-1-303(1), the Division may issue a temporary physical therapist or temporary physical therapist assistant license to a person who meets all qualifications for licensure as a physical therapist or physical therapist assistant except for the passing of the required examination, if the applicant:

(a) submits a complete application for licensure as a physical therapist or physical therapist assistant except the passing of the NPTE examination;

(b) is a graduate of a CAPTE accredited physical therapy school within three months immediately preceding application for licensure;

(c) submits evidence of having secured employment conditioned upon issuance of the temporary license, and the employment is under the direct, on-site supervision of a physical therapist with an active, non-temporary license; and

(d) has registered to take the required licensure examination.

(2) A temporary physical therapist or temporary physical therapist assistant license issued under Subsection (1) expires the earlier of:

(a) six months from the date of issuance;

(b) the date upon which the Division receives notice from the examination agency that the individual has failed the examination twice; or

(c) the date upon which the Division issues the individual full licensure.

(3) A temporary physical therapist or temporary physical therapist assistant license issued in accordance with this section cannot be renewed or extended.

Mr. Oborn emphasized that the applicant must meet all other license requirements and the temporary license will be valid for a maximum of six months. Mr. Oborn noted the temporary license cannot be renewed or extended.

Mr. Oborn reviewed a new section to the Physical Therapy Practice Act Rule, R156-24b-308, Reinstatement of a PT or PTA license which has expired beyond two years. Mr. Oborn noted that this further defines 58-1 and R156-1 for PTs and PTAs.

Discussed above

The Board reviewed the 2012 Board meeting schedule. Ms. Cohee is unable to attend the meeting on February 28, 2012. For this reason, the Board may reschedule the meeting.

4. FSBPT fixed date testing

5. Review Board meeting schedule

Not on the agenda:

Mr. Joshua Lee surrendered his temporary physical therapy license. He admitted to 1 count sexual battery. His plea is being held in abeyance. He cannot reapply for two years.

Ms. Cohee reviewed information from the FSBPT convention she attended, noting that FSBPT and APTA are working together more closely now.

NEXT MEETING SCHEDULED:

The next Board meeting is February 28, 2012.

2012 Board meetings tentatively scheduled:

February 28, May 22, August 21, December 4

ADJOURN:

Motioned to adjourn at 4:56 P.M.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

Date Approved

Chairperson, Utah Physical Therapy Licensing Board

Date Approved

Bureau Manager, Division of Occupational &
Professional Licensing